

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3603 OF 2020

The Chief Executive Officer
through Administrative Officer, Z.P. Ratnagiri .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

- Mr. Harshal N. Mirashi i/by Law Experts for the Petitioner
- Ms. S.D. Vyas, 'B' Panel Counsel for the State
- Mr. Saurabh Butala for Respondent No. 3
- Mr. S.M. Railkar for Respondent No. 4

**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : SEPTEMBER 23, 2021.

P.C.:

By the above Writ Petition, the Petitioner impugns the order dated 20.11.2018 passed by the Additional Commissioner, Konkan Division, Mumbai rejecting the application filed by the Chief Executive Officer, Zilla Parishad, Ratnagiri seeking condonation of delay of 182 days in filing the Revision Application impugning an order passed by the Additional Collector, Ratnagiri.

2. The reason given by the Petitioner in his application seeking condonation of delay is that there was delay in sending the papers to the learned Advocate appearing for Zilla Parishad, Ratnagiri since the said Advocate was unwell. The Additional Commissioner, Konkan Division, Mumbai has rejected the Application on the ground that there are several judgments of the High Courts and Supreme Court

wherein it is held that the delay should not be condoned unless there are very good reasons in support of the same. However, no specific decision is referred to by the Additional Commissioner. It appears that the Additional Commissioner has failed to appreciate that the orders passed by the High Courts as well as Supreme Court on the issue of condonation of delay are passed after considering the facts of each case. We are of the view that rejection of the Application of the Zilla Parishad, Ratnagiri, seeking condonation of delay of 182 days in filing the Appeal by the Additional Commissioner despite the Zilla Parishad, pointing out that the delay was caused because of the papers having reached late to their Advocate who was unwell, has resulted in depriving the Zilla Parishad, Ratnagiri of its right to file the Revision Application. We therefore, accept the reasons given for the delay, condone the same and set aside the order dated 20.11.2018 passed by the Additional Commissioner, Konkan Division, Mumbai.

3. The Revision Application shall be disposed of by the Additional Commissioner, Konkan Division, Mumbai within a period of four weeks from today.
4. All contentions of the parties are kept open.
5. The Writ Petition is accordingly disposed of.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]